

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:14cv34**

VALLEY TRUCK SERVICE, INC.,)
REBECCA HARRIS, and KEITH)
HARRIS,)
)
Plaintiffs,)
)
v.)
)
TEXTRON INC., et al.,)
)
Defendants.)
_____)

**MEMORANDUM AND
RECOMMENDATION**

Pending before the Court is the Motion to Dismiss [# 20]. Defendant Micromatic LLC moves to dismiss all the claims asserted against Micromatic Inc. because Micromatic Inc. was merged into Micromatic LLC in 2005 and no longer exists. Plaintiffs acknowledge this fact in their Complaint. (Pls.' Compl. ¶¶ 5, 16.)

In response to the Motion to Dismiss, Plaintiffs consent to the dismissal of Micromatic, Inc. (Pls.' Resp. Mot. Dismiss at p. 1.) Accordingly, the Court **RECOMMENDS** that the District Court **GRANT** the Motion to Dismiss [# 20] and **DISMISS** all the claims asserted against Defendant Micromatic Inc. Finally, the Court **RECOMMENDS** that the District Court have the Clerk terminate Defendant Micromatic Inc. as a party to this action.

Signed: April 17, 2014

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge



Time for Objections

The parties are hereby advised that, pursuant to 28, United States Code, Section 636(b)(1)(C), and Rule 72, Federal Rules of Civil Procedure, written objections to the findings of fact, conclusions of law, and recommendation contained herein must be filed within **fourteen (14)** days of service of same.

Responses to the objections must be filed within fourteen (14) days of service of the objections. Failure to file objections to this Memorandum and Recommendation with the district court will preclude the parties from raising such objections on appeal. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986); United States v. Schronce, 727 F.2d 91 (4th Cir.), cert. denied, 467 U.S. 1208 (1984).